IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

Bail Appl..No. 7423 of 2006()

CP.56/2005 of J.M.F.C., ADOOR
Crime No.242/1999 of Pandalam Police Station
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PETITIONER/2ND ACCUSED

RAJI @ KANAKARAJ, S/O. RAMACHANDRAN,
AGED 34 YEARS RESIDING AT CHARIVUPURAYIDATHIL
VEEDU, KEEIZCHARIMEL MURI, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.7423 of 2006

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Dated this the 14th day of December, 2006.

ORDER

Petitioner, who is the second accused in Crime No.242 of 1999 of Pandalam Police Station for offences punishable under Section 8(1) and (2) of the Abkari Act for allegedly having been found in possession of 35 liters of arrack on 1.7.1999, seeks anticipatory bail.

2. The case is pending before the J.F.C.M., Adoor as C.P.No.56 of 2005. Admittedly, consequent on the non-appearance of the petitioner before that court, non-bailable warrant of arrest is pending against him. Anticipatory bail cannot be granted so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within 10 days from today, the same shall be considered and

disposed of preferably on the same day on which it is filed after examining the explanation offered by the petitioner for his previous non-appearance.

This application is accordingly dismissed.

V.Ramkumar,
Judge.

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